

COMMITTEE REPORT

MADAM PRESIDENT:

The Senate Committee on Tax and Fiscal Policy, to which was referred Senate Bill No. 452, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

- 1 Page 1, between the enacting clause and line 1, begin a new
2 paragraph and insert:
3 "SECTION 1. IC 8-10-1-4 IS AMENDED TO READ AS
4 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 4. Revenue bonds
5 issued under the provisions of this article: ~~shall~~
6 **(1) do not be deemed to** constitute a debt of **the commission**, the
7 state, or ~~of~~ any political subdivision ~~thereof of the state~~, or a
8 pledge of the faith and credit of **the commission**, the state, or ~~of~~
9 any ~~such~~ political subdivision ~~but such bonds shall be of the~~
10 **state;**
11 **(2) are** payable solely from the funds pledged for their payment
12 as authorized in this article, unless ~~such the~~ bonds are refunded by
13 refunding bonds issued under the provisions of this chapter, which
14 ~~refunding bonds~~ shall be payable solely from funds pledged for
15 their payment as authorized ~~herein. All such revenue bonds shall~~
16 **in this article; and**
17 **(3) must** contain on ~~the their~~ face ~~thereof~~ a statement to the effect
18 that the bonds, as to both principal and interest, are not an
19 obligation of **the commission**, the state, ~~of Indiana~~, or of any
20 political subdivision ~~thereof, of the state~~, but are payable solely
21 from revenues pledged for their payment.

1 All expenses incurred in carrying out the provisions of this article ~~shall~~
 2 ~~be~~ **are** payable solely from funds provided under the authority of this
 3 article and nothing in this article ~~contained~~ shall be construed to
 4 authorize the commission to incur indebtedness or liability on behalf of
 5 or payable by the state or any political subdivision ~~thereof~~ **of the state.**

6 SECTION 2. IC 8-10-1-10 IS AMENDED TO READ AS
 7 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 10. (a) The commission
 8 is hereby authorized and empowered to acquire by purchase whenever
 9 it shall deem such purchase expedient, any land, property, rights,
 10 ~~right-of-ways,~~ **rights of way,** franchises, easements, and other interests
 11 in lands, including lands under water and riparian rights, as it may deem
 12 necessary or convenient for the construction and operation of any port
 13 or project, upon such terms and at such price as may be considered by
 14 it to be reasonable and can be agreed upon between the commission and
 15 the owner thereof, and to take title thereto in the name of the state.

16 (b) The commission is hereby further authorized and empowered to
 17 sell, transfer, and convey any such land or any interest therein so
 18 acquired, or any portion thereof, when the same shall no longer be
 19 needed for such purposes. The commission is further authorized and
 20 empowered to transfer and convey any such lands or interest therein as
 21 may be necessary or convenient for the construction and operation of
 22 any port or project, or as otherwise required under the provisions of this
 23 article. However, no such sale shall be made without first obtaining the
 24 approval of the governor, and a sale may not be made at less than the
 25 appraised value established by three (3) independent appraisers
 26 appointed by the governor. The commission shall be authorized to
 27 restrict the use of any land so sold by it and provide for a reversion to
 28 the commission in the event the land shall not be used for the purpose
 29 represented by the purchaser, and such restrictions and reversions shall
 30 be set out in appropriate covenants in the deeds of conveyance, which
 31 deeds shall be subject to the approval of the governor.

32 (c) The commission shall also be authorized to lease, or grant
 33 options to lease, to others for development any portion of the land
 34 owned by the commission, on such terms as the commission shall
 35 determine to be advantageous. All such leases or options to lease which
 36 leases cover a period of more than four (4) years shall be subject to the
 37 approval of the governor. Leases of lands under the jurisdiction or
 38 control of the commission shall be made only for such uses and
 39 purposes as are calculated to contribute to the growth and development
 40 of ports, terminal facilities, and projects under the jurisdiction or
 41 control of the commission. In the event the commission shall lease to
 42 others a building or structure financed by the issuance of revenue bonds

under IC 8-10-4, the rental shall be in an amount at least sufficient to pay the interest on and principal of the amount of such bonds representing the cost of such building or structure to the extent such interest and principal is payable during the term of the lease; as well as to pay the cost of maintenance, repair and insurance for such building and a reasonable portion of the commission's administrative expense incurred during the term of the lease which is allocable to such building or structure. **transaction must be structured as a self-liquidating or nonrecourse project (as defined in IC 8-10-4-1).**

(d) No tenant, lessee, licensee, owner of real estate located within a port or project, or other person or entity has any right, claim, title, or interest in any real estate, personal property, or common property owned by the commission, a port, a project, or the state, unless a written agreement entered into by the commission expressly provides:

- (1) the exact nature and extent of the right, claim, title, or interest;
- (2) all the conditions under which the right, claim, title, or interest is granted; and
- (3) a legal or complete description of the specific property."

Page 3, line 12, strike "at least" and insert "**the commission determines to be**".

Page 3, line 19, before "there" insert "**the commission determines**".

Page 3, line 42, after "a" insert "**self-liquidating or nonrecourse**".

Page 3, line 42, after "project" insert ".".

Page 3, line 42, strike "to be".

Page 4, strike lines 1 through 3.

Renumber all SECTIONS consecutively.

(Reference is to SB 452 as introduced.)

and when so amended that said bill do pass .

Committee Vote: Yeas 11, Nays 0.

Senator Kenley, Chairperson